

**BEFORE THE IOWA
ETHICS AND CAMPAIGN DISCLOSURE BOARD**
Pursuant to Chapter 17A and Chapter 68B

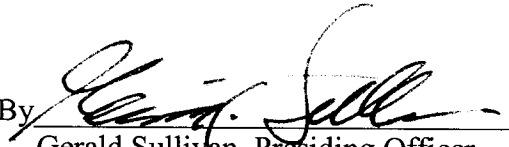
IN THE MATTER OF:)	
)	
DOUGLAS CUNNINGHAM)	Case No. <u>2006 IECDB 02</u>
In his Capacity as the Candidate for the)	
Citizens for Cunningham)	DEFAULT DECISION and ORDER
RESPONDENT.)	

Pursuant to rule 351—11.21, this DEFAULT DECISION and ORDER is entered:

1. Respondent had proper notice of the date and time of the May 16, 2006 hearing.
2. The hearing was to determine if the Respondent violated Iowa Code section 68A.402 by failing to file a January 2006 campaign disclosure report
3. As the Respondent failed to appear for the hearing or otherwise provide a defense despite being given the opportunity to do so and based on the Presiding Officer's review of the evidence presented at the hearing, the allegations set out in the Statement of Charges are found to be true and correct. Therefore, it is determined that the Respondent violated Iowa Code section 68A.402 as alleged. It is also determined that letters were sent to the Respondent before and after the due date and a notice of hearing was provided. Finally, the Presiding Officer notes that the campaign committee has over \$950 in unaccounted for campaign funds.
4. Pursuant to Iowa Code section 68B.32D, the Presiding Officer orders the following:
 - A. Respondent shall pay a civil penalty in the amount of **\$200** as calculated by the prescribed and scheduled penalties for failing to timely file a campaign disclosure report as set out in Board rule 351—4.59(3).
 - B. Respondent shall pay an additional civil penalty pursuant to Iowa Code section 68B.32D(1)“h” for the violation of Iowa Code section 68A.402 and for the violation of Board rule 351—4.21 in the amounts of **\$650**.
 - C. As a remedial action, Respondent shall repay the Iowa Ethics and Campaign Disclosure Board **\$60** related to costs involved with this matter, including the drafting and mailing of correspondence, staff time, and hearings costs.
 - D. Respondent shall receive a Letter of Reprimand.
 - E. The committee shall file the January 2006 report within 30 days of this Order's final effective date.

5. Pursuant to rule 351—11.21(3), this Default Decision and Order becomes final agency action for purposes of judicial review unless a motion to vacate is filed and served within 14 days. A motion to vacate automatically stays this order pending review of the motion.

Dated this 30th day of May, 2006.

By 
Gerald Sullivan, Presiding Officer